

VZCZCXYZ0018  
OO RUEHWEB

DE RUEHC #3229 1292111  
ZNY CCCCC ZZH  
O P 092104Z MAY 07  
FM SECSTATE WASHDC  
TO RUEHAR/AMEMBASSY ACCRA IMMEDIATE 0000  
RUEHSL/AMEMBASSY BRATISLAVA IMMEDIATE 0000  
RUEHBS/AMEMBASSY BRUSSELS IMMEDIATE 0000  
RUEHKE/AMEMBASSY KINSHASA IMMEDIATE 0000  
RUEHPE/AMEMBASSY LIMA IMMEDIATE 0000  
RUEHSA/AMEMBASSY PRETORIA IMMEDIATE 0000  
RUEHRO/AMEMBASSY ROME IMMEDIATE 0000  
INFO RUEHLB/AMEMBASSY BEIRUT PRIORITY 0000  
RUEHDM/AMEMBASSY DAMASCUS PRIORITY 0000  
RUEHLO/AMEMBASSY LONDON PRIORITY 0000  
RUEHFR/AMEMBASSY PARIS PRIORITY 0000  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0000

C O N F I D E N T I A L STATE 063229

SIPDIS

SIPDIS  
KINSHASA PASS TO BRAZZAVILLE

E.O. 12958: DECL: 05/03/2017

TAGS: [UNSC](#) [LE](#) [SY](#) [IT](#) [BE](#) [PE](#) [LO](#) [PREL](#) [PTER](#) [CF](#) [GH](#) [SF](#)  
SUBJECT: DEMARCHE REQUEST: ENCOURAGE SUPPORT FOR COUNCIL  
ACTION ON SPECIAL TRIBUNAL FOR LEBANON

REF: A. USUN 347  
[1](#)B. EMAIL SONTY/ALLEGRONE/YOUNG 05/03/07  
[1](#)C. STATE 58765

Classified By: Assistant Secretary Kristen Silverberg, for reasons  
1.4 (b) and (d).

[1](#)1. (SBU) SUMMARY: Department requests Embassies encourage host governments to support UN Security Council action to establish the Special Tribunal for Lebanon. In New York, Belgium, Italy, Peru, and Slovakia have been generally supportive of the P-3's call for Council action, via a Chapter VII resolution, to establish the Special Tribunal for Lebanon; however, we would like to verify their support. The positions of Congo, Ghana, and South Africa are less clear; Department requests Posts encourage them to support Council action and report concerns they may have. Posts should draw from the background in paras 4-8. End Summary.

[1](#)2. (SBU) OBJECTIVES: Department requests Embassies pursue the following objectives:

-- Encourage host country to support UN Security Council action to establish the Special Tribunal via Chapter VII authority.

-- Underscore that the Lebanese parliamentary ratification process is definitively blocked - the opposition refused to discuss specific concerns about the Statute with UN Legal Advisor Nicolas Michel and continues to link the Tribunal to its desire for a blocking minority in the Cabinet.

-- Note that, as UN Legal Advisor Michel reported to the Security Council, all parties in Lebanon support in principle the establishment of the Tribunal. We understand fully the importance of respecting the internal processes of member states, but this is a case where the subversion of that process - through terrorism and other threats of violence - is itself the heart of the problem.

-- Emphasize that the Tribunal must be established soon for operational reasons and in the interest of justice. It would take at least a year for the Tribunal to become operational.

[1](#)3. REPORTING DEADLINE: Embassy should report results of efforts to IO/UNP: Anneliese Reinemeyer before May 11.

-----  
BACKGROUND  
-----

¶4. (U) The assassination of former Lebanese Prime Minister Rafiq Hariri on February 14, 2005, led to widespread protests and the withdrawal of Syrian troops from Lebanon in April 2005. At the GOL's request, the UN established the UN Independent International Investigation Commission (UNIIIC) and has worked with the Lebanese Justice Minister and other Lebanese officials to negotiate the Tribunal statute. Approval of the Tribunal has become a key element in the current political tension in Beirut, which pits PM Siniora and his March 14 allies (the Saad Hariri faction) against the pro-Syrian Hizballah-Aounist alliance (Note: March 14 commands a majority in the Parliament where the Hizballah-Aounist alliance represents a minority. End note). The UN and the Lebanese Cabinet have approved the Tribunal Agreement and Statute; however, Hizballah and Syrian sympathizers have prevented the Parliament from convening to ratify the Agreement in an attempt to gain a blocking minority in the Lebanese Cabinet.

¶5. (U) The Lebanese parliament, which was scheduled to reconvene its regular session on March 20, has still not met. A majority of the Lebanese parliament has documented more than once its intent to ratify the Tribunal, if only the Speaker of Parliament would allow them to convene. These members of the parliamentary majority, who took office after elections monitored by international observers and considered free and fair, have turned to the UN, actively seeking Security Council assistance to establish the Tribunal.

¶6. (C) The United States continues to fully support the immediate establishment of the Special Tribunal to try those responsible for perpetrating the attack that killed Rafiq Hariri and 22 others. We believe the establishment of the Tribunal is necessary to see that justice is done. The Tribunal will serve as a deterrent to those who in the future might be tempted to engage in similar violent crimes intended to undermine Lebanon's democracy, sovereignty and independence. While we would prefer Lebanese parliamentary approval, this is no longer a realistic option. Therefore, the U.S., France, and the UK are drafting a resolution that would establish the Tribunal using the Security Council's authority under Chapter VII of the UN Charter. Although established by the Security Council under Chapter VII, the Tribunal will retain all of the key Lebanese components, including prosecutions under Lebanese law, some Lebanese judges, and a Lebanese deputy prosecutor.

¶7. (C) UN Legal Advisor, Nicolas Michel, briefed the Security Council on May 2 on the outcome of his recent trip to Lebanon on April 16-18 to assess the chances of a Lebanese solution to the impasse. Per Ref A, Belgium, Peru, and Slovakia were generally supportive of Council action to establish the Tribunal. Italy's position in the Council was unclear, but subsequent conversations with the Italian Embassy in Washington (Ref B) indicate they do not object to Council action to establish the Tribunal, but are concerned that we will not get enough votes to adopt the resolution. (Note: The resolution will need nine affirmative votes and no vetoes for adoption. End Note.) Congo, Ghana, and South Africa did not state a position either in favor or against UNSC action during their statements (Ref A).

¶8. For additional detailed background on the UNIIIC investigation and Tribunal, please visit the intellipedia site on the Hariri Tribunal:  
[http://www.intelink.sgov.gov/wiki/Hariri\\_Tribunal](http://www.intelink.sgov.gov/wiki/Hariri_Tribunal).  
Additional talking points can be found in Ref C.

¶9. POINT OF CONTACT: Please contact IO/UNP: Anneliese Reinemeyer at (202) 647-0046 or via e-mail for further background information or with questions.  
RICE